

REMARKS

Claims 11-29 and 37-44 are pending in the present application. In the application dated July 1, 2005, claims 11-13, 16-24, 27-29, 37-39 and 41-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,561 to Dillon ("Dillon") in view of U.S. Patent No. 6,654,787 to Aronson et al. ("Aronson") in further view of U.S. Patent No. 6,275,848 to Arnold ("Arnold"). Claims 14, 15, 25, 40 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, Aronson, Arnold and in further view of U.S. Patent No. 6,311,210 to Foladare et al. ("Foladare"). Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, Aronson, Arnold and in further view of U.S. Patent No. 5,632,011 to Landfield et al. ("Landfield").

The disclosed embodiments of the invention will now be discussed in comparison to the prior art. Of course, the discussion of the disclosed embodiments, and the discussion of the differences between the disclosed embodiments and the prior art subject matter, do not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

The present application discloses a method and system for securely distributing an Email communication to multiple individual recipients in an efficient manner using centralized storage and management. According to one embodiment, the method includes receiving an Email communication containing an indication of the recipient(s) for the message, and making a determination whether the indication is for multiple recipients. Unlike conventional methods, the present method uses an email communication program that makes a conditional decision that if the indication is for multiple recipients, the program does not send the Email communication to the recipients, but rather centrally stores the Email communication on a server, and sends only a short notification of the Email communication to each of the multiple recipients without sending the Email communication itself. Thus, a single copy of the Email communication can be stored on a server computer for delivery on an individual basis to multiple recipients when requested. The program does not send the Email communication to any recipient until it receives a response from at least one of the recipients that contains a request for the Email communication. If the indication is not for multiple recipients the Email communication is sent to the recipient without being stored.

The Examiner has cited Dillon. Dillon is directed to sending notifications (alerts) of Email messages to recipients using a hybrid network that transmits notifications via a continuous high speed channel. Other than these features and in particular, the features regarding how the alerts are sent, the handling of messages as taught by Dillon is conventional in the art.

The Examiner acknowledges that Dillon fails to teach or suggest determining by an Email communication program whether multiple recipients of an Email communication have been indicated and storing a single copy of the Email communication on the server if the Email communication determines that multiple recipients are indicated. To remedy the deficiencies of Dillon, the Examiner has cited Aronson. The Examiner asserts that Aronson discloses “if it is determined that multiple recipients have been indicated, storing a single copy of the Email communication on the server.” (Office Action dated July 1, 2005; Page 3, ¶ 11-13). As understood by the Applicant’s undersigned, the Examiner has interpreted Aronson as purportedly using an Email filter to perform the above act of determination. (Office Action dated July 1, 2005; Page 3, ¶ 11-13, citing Aronson; col. 5, lines 20-67). However, Aronson clearly does not teach or suggest determining whether multiple recipients have been indicated and, in fact, clearly teaches away from such an act. Aronson states that “once a particular e-mail message has been identified as spam, only a single copy of that message is stored in storage module 340, regardless of how many different e-mail users the message is addressed to.” (Aronson; col. 10, line 65-col. 11, line 1). Thus, Aronson teaches that it does not matter if multiple recipients have been indicated because it always stores a single copy of the message in the storage module 340. In other words, Aronson does not teach or suggest determining whether multiple recipients have been indicated. Instead, Aronson always stores a single copy of the message and, thus, fails to determine whether multiple recipients are indicated.

In summary, none of the cited references and, in particular, Aronson, teach or suggest conditionally determining whether multiple recipients have been indicated and storing a single copy of the Email communication on the server responsive to this determination. Neither, Dillon, Arnold, Foladare, nor Landfield remedy this deficiency in Aronson.

In addition, the Examiner has not provided a proper motivation for combining Dillon, Aronson, and Arnold. The motivation for combining Dillon, Aronson, and Arnold stated

by the Examiner is “because it would be more efficient for a system to acknowledge when multiple recipients have been indicated so if the sender needed to know which recipients did not receive an Email, the sender could resend the Email to the recipients that are missing the Email or have misplaced it.” (Office Action dated July 1, 2005; Page 3-4, ¶ 14). Again, as discussed in previous responses, this motivation is not derived from the Dillon, Aronson, and Arnold or knowledge generally available to one of ordinary skill in the art. In fact, no such teaching is taught or suggested to be desirable in the systems and methods of Dillon, Aronson, and Arnold. Neither Dillon, Aronson, nor Arnold discusses efficiency based on whether multiple recipients have been indicated or resending Email to recipients that are missing or have misplaced the Email. These advantages are, however, a benefit of Applicant’s embodiments. Accordingly, it is impermissible hindsight to read Dillon, Aronson, and Arnold in light of Applicant’s disclosure to find a motivation in the prior art to recreate Applicant’s embodiments.

Turning now to the claims, the patentably distinct differences between the cited references and the claim language will be specifically pointed out. A *prima facie* case of obviousness has not been established because the cited references do not teach or suggest determining whether multiple recipients have been indicated and storing a single copy of an Email communication if it is determined that multiple recipients have been indicated. Additionally, a proper motivation to combine Arnold with Dillon and Aronson that comes from the cited references or knowledge generally available to one of ordinary skill in the art has not been provided.

Claim 11 recites, in-part, “determining by the Email communication program, whether multiple recipients of the Email communication have been indicated in the received indication; and if it is determined that multiple recipients have been indicated, storing a single copy of the Email communication on the server.” The cited references, either individually or in combination, fails to teach or suggest the above conditional limitation. Additionally, a motivation from the cited references has not been provided to combine Arnold with Dillon and Aronson in order to teach the limitations of “determining by the Email communication program, whether multiple recipients of the Email communication have been indicated in the received indication.” The manner in which the Examiner has combined Arnold with Dillon and Aronson is clearly the use of impermissible hindsight.

Claim 23 recites, in-part, “storing only a single copy of the Email communication on a server, the storing of the only the single copy of the Email communication being automatically performed by the Email communication program because a plurality of recipients have been indicated.” The cited references, either individually or in combination, fails to teach or suggest the above conditional limitation. Additionally, a motivation from the cited references has not been provided to combine Arnold with Dillon and Aronson in order to teach the limitations of “determining by the Email communication program, whether multiple recipients of the Email communication have been indicated in the received indication.” The manner in which the Examiner has combined Arnold with Dillon and Aronson is clearly the use of impermissible hindsight.

Claim 37 recites, in-part, “determining whether multiple recipients of the Email communication have been indicated in the received indication; and if it is determined that multiple recipients have been indicated, storing a single copy of the Email communication on a server.” The cited references, either individually or in combination, fails to teach or suggest the above conditional limitation. Additionally, a motivation from the cited references has not been provided to combine Arnold with Dillon and Aronson in order to teach the limitations of “determining by the Email communication program, whether multiple recipients of the Email communication have been indicated in the received indication.” Again, the manner in which the Examiner has combined Arnold with Dillon and Aronson is clearly the use of impermissible hindsight. It is also noted, that claim 37 has been amended to correct a typographical error and not for reasons related to patentability.

Claim 41 recites, in-part, “an Email communication distributor program that receives the Email communication and an indication of at least one recipient to receive the Email communication, and that determines whether multiple recipients of the Email communication have been indicated in the received indication, that stores a single copy the Email communication on a server if multiple recipients have been indicated.” Again, the cited references, either individually or in combination, fails to teach or suggest the above conditional limitation. Additionally, a motivation from the cited references has not been provided to combine Arnold with Dillon and Aronson

Claims depending from claim 11, 23, 37, and 41 are also allowable due to depending from an allowable base claim and further in view of the additional limitations recited in the dependent claims.

All of the claims remaining in the application (claims 11-29 and 37-44) are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Marcus Simon
Registration No. 50,258
Telephone No. (206) 903-8787

MS:clr

Enclosures:

Postcard

Check

Fee Transmittal Sheet (+ copy)

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

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